



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115

Refer to:

OSB1999-0067

April 23, 1999

Fred Patron  
Federal Highway Administration  
The Equitable Center, Suite 100  
530 Center St. NE  
Salem, Oregon 97301

RE: Biological Opinion for the Charlie Creek Culvert Project

Dear Mr. Patron:

The National Marine Fisheries Service (NMFS) has received your April 9, 1999, request for consultation under the Endangered Species Act (ESA) for a site specific culvert project. The outlet of the current culvert is perched, and the culvert is undersized, thus creating a velocity barrier. The culvert will be replaced with an arch type pipe, placed on a 2.4 percent slope. The new culvert would be about 20 feet longer than the existing culvert to accommodate shoulder widening. The pipe would be countersunk 1 foot, and seeded with boulders to reduce scour of bedload. The action as proposed for 1999 is within the scope of the category of actions described in the attached biological report. This letter and attached biological report constitutes the NMFS Biological Opinion and formal consultation.

This project is described in the individual biological assessment (IBA) and the Program Biological Assessment (PBA) previously submitted and as referenced in the attached biological report.

This opinion considered the effects of the proposed action on the Oregon Coast coho salmon (OC coho) (*Oncorhynchus kitsutch*) which occur in the project area.

The current status, biological information, and critical habitat elements for OC coho are referenced in Table 1 in the attached biological report. The NMFS has applied jeopardy standards as further described in the biological report. The environmental baseline for the action area is described in the IBA. The NMFS has determined that actions that do not maintain or restore properly functioning stream conditions would likely jeopardize the OC coho.

The effects of the proposed actions have been considered using the methods described in "Making ESA Determinations of Effect for Individual or Grouped Actions at the Watershed Scale". The effects of the proposed action have been evaluated based on ODOT's General Minimization and Avoidance Measures, as attached. The effects of this action are expected to restore properly functioning



conditions and not cause further degradation of the environmental baseline. NMFS does not expect this action to diminish the value of the critical habitat for survival of OC coho. NMFS has determined, based on available information, that the proposed action covered in this opinion is not likely to jeopardize the continued existence of the indicated species.

Taking of indicated species is not prohibited provided that the taking is incidental to the agency's action and that the action is consistent with the reasonable and prudent measures and the terms and conditions as specified in Section X of the biological report.

Questions regarding this letter should be directed to Nancy Munn (503/231-6269) of my staff.

Sincerely,

A handwritten signature in black ink, appearing to read "William Stelle, Jr.", with a stylized flourish at the end.

William Stelle, Jr.  
Regional Administrator

cc: Pieter Dykman, ODOT Research Unit Manager  
Randy Floyd, ODOT Wildlife Biologist  
Randy Reeve, Oregon Department of Fish and Wildlife  
Alan Lively, ODOT Roadway Engineering  
John Cambalik, ODOT Region 2  
Tom Feeley, ODOT District 1